

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

BAYU SAPUTRA, Personal Representative of the Heirs of CANDRA KIRANA, deceased, MARSUDI, Personal Representative of the Heirs of CICI ARISKA, deceased, SUTARIYO, Personal Representative of the Heirs of ASEP SARIFUDIN, deceased,

Plaintiffs,

v.

THE BOEING COMPANY, a corporation,

Defendant.

No. 18 cv 07686

Hon. Thomas M. Durkin

Related Cases:

No. 18 cv 08006

No. 19 cv 00622

No. 19 cv 00797

No. 19 cv 00802

THE BOEING COMPANY'S INITIAL STATUS REPORT

Pursuant to Fed. R. Civ. P. 26(f) and this Court's case management procedures, and in preparation for the status hearing at 9 a.m. on March 5, 2019, The Boeing Company ("Boeing") hereby submits the following Initial Status Report. Boeing provided a draft report to Plaintiffs' counsel on February 28 in an attempt to confer and file a joint report, but did not receive a response from Plaintiffs by the close of business on Monday, March 4, 2019.

I. Nature of the Case

A. Parties: See master service list below for attorneys of record.

B. Jurisdiction: This Court has original jurisdiction under the MMJTA, 28 U.S.C. ¶ 1369, and because Plaintiffs' claims arise under the Court's original admiralty jurisdiction, *see* 28 U.S.C. ¶ 1333(1).

C. Claims asserted: These cases arise from the Lion Air Flight JT 610 accident in off the coast of Indonesia on October 29, 2018. Plaintiffs assert wrongful death and survival

claims, alleging causes of action sounding in strict products liability and negligence and seek compensatory damages. The *Saputra* plaintiffs also seek punitive damages. Boeing has not filed counterclaims or third-party claims but does not waive the right to do so.

II. Pending Motions and Case Plan:

A. Pending Motions: Boeing filed a Motion to Sequence Discovery in each of the cases. This motion requests that the Court enter an order sequencing discovery and limiting the first phase of discovery, including initial disclosures, to *forum non conveniens* issues until Boeing's forthcoming motion to dismiss is resolved. (E.g., *Saputra* Dkt. 14.)

B. Mandatory Initial Discovery Pilot (“MIDP”): Boeing has read the Standing Order regarding the mandatory initial disclosures. Boeing's Motion to Sequence Discovery was addressed, in part, at this Order. At the January 7, 2019 hearing in *Saputra*, the Court indicated that the mandatory initial disclosures would not be required in these cases while the *forum non conveniens* issues are pending. (See *Saputra* Dkt. 23 at 12).

C. Proposed Discovery: As set forth in Boeing's Motion to Sequence Discovery, Boeing has requested the Court enter an order sequencing discovery and limiting the first phase of discovery, including initial disclosures, to *forum non conveniens* issues until Boeing's forthcoming motion to dismiss is resolved. Boeing's position is that the remaining discovery deadlines, if any, should be addressed after the Court rules on Boeing's forthcoming motion.

D. E-Discovery: Boeing has taken steps to preserve relevant documents and information related to the case. Boeing expects that a plan for electronic discovery, if any, would be addressed after the court rules on Boeing's forthcoming motion to dismiss.

E. Trial: Plaintiffs have demanded a jury trial.

III. Magistrate Judge: Boeing does not consent to proceeding before a Magistrate Judge.

IV. Settlement:

A. Discussion: Given the ongoing investigation led by the Indonesian authorities into the cause of the accident and the uncertainty as to the proper forum for these claims, Boeing believes that it would be premature to engage in settlement discussions at this time.

B. Conference: The parties do not request a settlement conference at this time.

Respectfully Submitted,

DATED: March 4, 2019

THE BOEING COMPANY

By: /s/ Daniel T. Burley
One of its Attorneys

Bates McIntyre Larson
BLarson@perkinscoie.com
Daniel T. Burley
DBurley@perkinscoie.com
Perkins Coie LLP
131 S. Dearborn, Suite 1700
Chicago, Illinois 60603-5559
Phone: (312) 324-8400
Fax: (312) 324-9400

Mack H. Shultz
MShultz@perkinscoie.com
Gretchen M. Paine
GPaine@perkinscoie.com
Perkins Coie LLP
1201 Third Avenue, Suite 4900
Seattle, Washington 98101-3099
Phone: (206) 359-8000
Fax: (206) 359-9000

CERTIFICATE OF SERVICE

I, Daniel T. Burley, certify that on March 4, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and served copies by email upon the following attorneys of record:

Floyd A. Wisner
faw@wisner-law.com
Alexandra M. Wisner
Awisner@wisner-law.com
WISNER LAW FIRM, P.C.
514 W. State Street Suite 2000
Geneva, Illinois 60134
(630) 262-9434

Counsel for Plaintiffs
Case No. 18 cv 07686

Thomas A. Demetrio
Michael K. Demetrio
ccfiling@corboydemetrio.com
CORBOY & DEMETRIO, P.C.
33 N. Dearborn St., Suite 2100
Chicago, Illinois 60602
(312) 346-3191

Counsel for Plaintiffs
Case No. 19 cv 00622

Thomas G. Gardiner
tgardiner@gkwwlaw.com
John R. Wrona
jwrona@gkwwlaw.com
Shannon V. Condon
scondon@gkwwlaw.com
GARDINER KOCH WEISBERG &
WRONA
53 W. Jackson Blvd. Ste. 950
Chicago, Illinois 60604
(312) 362-0000

Counsel for Plaintiffs
Case No. 19 cv 00797

Austin Bartlett
austin@bartlettchenlaw.com
BARTLETT CHEN LLC
150 N. Michigan Ave., Ste. 2800
Chicago, Illinois 60601
(312) 624-7711

Manuel von Ribbeck
mail@ribbecklaw.com
RIBBECK LAW CHARTERED
505 N. Lake Shore Dr. Suite 102
Chicago, Illinois 60611
(833) 883-4373

Counsel for Plaintiffs
Case No. 19 cv 00802

Thomas P. Routh
contact@nolan-law.com
NOLAN LAW GROUP
20 N. Clark Street 30th Floor
Chicago, Illinois 60602
(312) 630-4000

Counsel for Plaintiffs
Case No. 18 cv 08006

I certify under penalty of perjury that the foregoing is true and correct.

DATED this 4th day of March, 2019.

/s/ Daniel T. Burley
PERKINS COIE LLP
131 South Dearborn Street, Suite No. 1700
Chicago, Illinois 60603-5559
Tel: (312) 324-8400
Fax: (312) 324-9400